

U.S. Department of the Interior  
Bureau of Land Management  
Little Snake Field Office  
455 Emerson Street  
Craig, CO 81625-1129

## ENVIRONMENTAL ASSESSMENT

**EA-NUMBER:** DOI-BLM-CO-N010-2011-0021 EA

**CASEFILE/PROJECT NUMBER/LEASE NUMBER:** COC074710

**PROJECT NAME:** Slater Creek Fiber Optic Cable

**LEGAL DESCRIPTION:** 6<sup>th</sup> PM, T 11 N, R 89 W, sec. 4, Lot 6, sec. 23, Lot 1; T 12 N, R 89 W, sec. 21, Lot 6, and sec. 33, Lot 7 in Moffat County, Colorado

**APPLICANT:** Dubois Telephone Exchange

**PLAN CONFORMANCE REVIEW:** The proposed action is subject to the following plan:

Name of Plans: Little Snake Resource Management Plan and Record of Decision (ROD)

Date(s) Approved: April 26, 1989

Remarks: The proposed fiber optic line would be located within Management Unit 2 (Little Snake Resource Management Plan). The management objectives for Unit 2 are to provide for oil & gas development. Realty actions such as rights-of-way, leases and permits can occur consistent with the management objectives.

Results: The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3). The proposed action is in conformance with the objectives for this management unit.

### Other Documents

Applicable NEPA documents and other documents that cover the Proposed Action include the following:

- Rights-of-way are allowable on BLM-administered lands per Title V of the Federal Land Policy and Management Act of 1976 and the BLM regulations (43 CFR 2800), at the discretion of the Secretary of the Interior or his/her delegated officer.

- *Colorado Public Land Health Standards, Decision Record & Finding of No Significant Impact and Environmental Assessment.* March 1997.

**PURPOSE OF AND NEED FOR PROPOSED ACTION:** The purpose of the proposed action is to allow for upgrading of existing telecommunications facilities to provide additional services to Dubois Telephone Exchange (DTE) subscribers utilizing US Department of Agriculture (USDA) Rural Development Utilities Program (RDUP) funds. The action is needed because no fiber optic cable exists to provide modern, reliable telecommunication service to the area. The Federal Land Policy Management Act (FLPMA) allows for use of public land for rights-of-way for telephone and telegraph infrastructure, with appropriate consideration of other public resources.

**PUBLIC SCOPING PROCESS:** The action in this EA is included in the NEPA log posted on the LSFO web site: [http://www.blm.gov/co/st/en/BLM\\_Information/nepa/lsfo.html](http://www.blm.gov/co/st/en/BLM_Information/nepa/lsfo.html).

**DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:** The proposed action is to issue a right-of-way (ROW) grant for a buried fiber optic cable line to DTE. DTE filed a ROW application in November 2010 for a buried telecommunications cable to provide improved service to subscribers in the Slater Creek area in Colorado. Mitigation not incorporated by DTE in the ROW application plan of development would be attached by the BLM to the ROW as stipulations (see Exhibit A).

The fiber optic cable route would follow Moffat (MCR) and Routt (RCR) county roads and would be buried within and adjacent to the roads. The route begins near Slater, Colorado. It would travel southeasterly along MCR #1 to RCR #82 and then continue to the junction RCR #82 and RCR #1W. The proposed route was selected to follow the previously disturbed county road rights-of-way to minimize new surface disturbance. The total distance of the buried cable is 19.564 miles with approximately 2,200 feet of cable crossing public land. The ROW corridor width would be 10 (ten) feet resulting in approximately 0.50 acre of surface disturbance on public land.

DTE proposes to place 1-1.25 inch conduit utilizing the plow method. A large spool of conduit would be placed along the route using backhoes to unload them from the trailers. Then the plow line would be plowed to a minimum depth of 3 (three) feet using a dozer mounted ripper. Roads, pipelines, canals, streams, ravines, and wetlands would be bored under. Flush mounted buried hand-holes (24"x36"x30") for service access and splicing would be excavated at reel ends and specified locations along the route for maintenance and future access. Dozer mounted plows would directly plow the conduit from the spools into the ground, plowed material would fall immediately back into the trench so no backfilling would be required. A sufficient number of passes as specified in the USDA RUS 515 construction contract would be made with the plow equipment to compact the plow line so no berms are left on the ROW corridor. Shortly after the conduit has been placed, the cable would be placed in the conduit utilizing hand-holes to gain access.

The construction crew would vary in size from 4 to 6 workers. Due to the size of the project and the proximity to Baggs, Wyoming, staging areas would not be required. Material and fuel would be transported with the construction crew as needed from Baggs. Construction is scheduled for summer/fall of 2011 and approximately 10 (ten) weeks would be required to complete the entire project. Heavy equipment which would be used during the operation includes: a tracked pull tractor, a tracked cable plow, trackhoe, backhoe and a directional bore machine. Hazardous materials used during construction would include petroleum products typically required for heavy equipment operation.

Ground contours would be restored to ensure normal surface drainage from the ROW corridor. Excess excavated material not used for backfill would be evenly spread on cleared areas, unsuitable backfill would be removed. Areas cleared of vegetation or where vegetation is disturbed would be reseeded. Warning signs will be placed at culverts, cross roads, and areas where there is a possibility of future disturbance and at locations necessary for the safety and protection of the public and facilities.

**NO ACTION ALTERNATIVE:** The No Action Alternative would be to deny the right-of-way as proposed. With this alternative BLM would not approve the buried fiber optic cable line and the applicant would not be allowed to improve telecommunication service to subscribers. BLM's authority to implement the No Action Alternative may be limited because FLPMA allows for use of public land for rights-of-way, with appropriate consideration of other public resources. BLM can deny a right-of-way if the proposal would violate applicable laws and/or regulations.

### **AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES**

For the following resources and issues, those brought forward for analysis will be addressed below.

<b>Resource/Issue</b>	<b>N/A or Not Present</b>	<b>Applicable or Present, No Impact</b>	<b>Applicable &amp; Present and Brought Forward for Analysis</b>
Air Quality		X	
Areas of Critical Environmental Concern	X		
Environmental Justice/ Socio-Economics		X	
Cultural Resources			X
Flood Plains	X		
Fluid Minerals		X	
Forest Management	X		
Hydrology/Ground		X	
Hydrology/Surface			X
Invasive/Non-Native Species			X
Native American Religious Concerns			X

Migratory Birds			X
Paleontology			X
Prime and Unique Farmland	X		
Range Management		X	
Realty Authorizations			X
Recreation/Transportation		X	
Soils	X		
Solid Minerals		X	
T&E and Sensitive Animals			X
T&E and Sensitive Plants	X		
Upland Vegetation		X	
Visual Resources		X	
Water Quality - Surface			X
Wastes, Hazardous or Solid			X
Wetlands/Riparian Zones	X		
Wild and Scenic Rivers	X		
Wild Horse & Burro Mgmt	X		
Wilderness Characteristics/WSA's	X		
Wildlife - Aquatic	X		
Wildlife - Terrestrial			X

## CULTURAL RESOURCES

Affected Environment: The issuance of a right-of-way grant for a buried fiber optic cable line is considered an undertaking under Section 106 of the National Historic Preservation Act. Cultural resources, in this region of Colorado, range from late Paleo-Indian to Historic. For a general understanding of the cultural resources in this area of Colorado, see *An Overview of Prehistoric Cultural Resources, Little Snake Resource Area, Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resources Series, Number 20, *An Isolated Empire, A History of Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resource Series, Number 2 and *Colorado Prehistory: A Context for the Northern Colorado River Basin*, Colorado Council of Professional Archaeologists.

Environmental Consequences, Proposed Action: Prior to approval of the right-of-way a Class III cultural resource survey must be completed. The undertaking has undergone a Class III resource inventory.

Larson, Thomas K.

2011 *Results of a Class III Cultural Resource Inventory for the Dubois Telephone Exchange' Slater Creek Fiber Upgrade, Moffat County, Colorado*. BLM LSFO 53.1.2011. LTA, Inc, Laramie, WY.

This study identified no historic properties eligible for the National Register of Historic Places. There is a finding of “no effect” to cultural resources and the right of way can be approved.

#### Mitigative Measures:

The following standard stipulations apply for this project:

1. Any cultural and/or paleontological (fossil) resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and the authorized officer will make any decision as to proper mitigation measures after consulting with the holder.
2. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:
  - Whether the materials appear eligible for the National Register of Historic Places;
  - The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
  - Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
3. If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

Environmental Consequences, No Action: The project would not go forward and cultural resources would not be affected.

## **INVASIVE, NONNATIVE SPECIES**

Affected Environment: Invasive and noxious weeds are present in the area. Invasive annuals such as downy brome (cheatgrass), halogeton, blue mustard and yellow alyssum are common, occupying disturbed areas. Invasive annual weeds are typically established on disturbed and high traffic areas whereas biennial and perennial noxious weeds are less common in occurrence. Colorado List B noxious weeds that are present within the surrounding areas include spotted knapweed, hoary cress (whitetop), Canada thistle and biennial thistles. The BLM is in cooperation with the Moffat County Cooperative Weed Management and Routt County Weed Program to employ the principals of Integrated Pest Management to control noxious weeds on public lands.

Environmental Consequences, Proposed Action: The surface disturbing activities and associated traffic involved with installation of the cable would create an environment and provide a mode of transport for invasive species and other noxious weeds to become established. Construction equipment and any other vehicles brought onto the site can introduce weed species. Wind, water, recreation vehicles, livestock and wildlife would also assist with the distribution of weed seed into the newly disturbed areas. The annual invasive weed species (downy brome, yellow alyssum, blue mustard and other annual weeds) occurring on adjacent areas and would occupy the disturbed areas. The bare soils and the lack of competition from a perennial plant community would allow these weed species to grow unchecked and could affect the establishment of seeded plant species. Establishment of perennial grasses and other seeded plants is expected to provide the necessary control of invasive annual weeds within 2 or 3 years. Additional seeding treatments of the disturbed areas may be required in subsequent years if initial seeding efforts are not successful.

The perennial and biennial noxious weeds in the area are less frequently established but some potential exists for their establishment in draws and swales or areas that would collect additional water. The largest concern in the project area would be for these species to become established and not be detected, providing seed which can be moved onto adjacent rangelands. The operator would be required to control any invasive and/or noxious weeds that become established within the disturbed areas.

Mitigation attached as Conditions of Approval to minimize disturbance and obtain successful reclamation of the disturbed areas, as well as weed control utilizing integrated practices, including herbicide applications, would help to control the noxious weed species. All principles of Integrated Pest Management should be employed to control noxious and invasive weeds on public lands. Operator would be required to obtain a PUP from the BLM prior to herbicide application on BLM land.

Mitigative Measures: None

Environmental Consequences, No Action: Under the No Action alternative, because no disturbance is anticipated, no additional effects to the spread of invasive weeds would occur.

## **MIGRATORY BIRDS**

Affected Environment: BLM Instruction Memorandum No. 2008-050 provides guidance towards meeting BLM's responsibilities under the Migratory Bird Treaty Act (MBTA) and Executive Order (EO) 13186. The guidance emphasizes management of habitat for species of conservation concern by avoiding or minimizing negative impacts and restoring and enhancing habitat quality. The LSFO provides both foraging and nesting habitat for a variety of migratory bird species. Several species on the USFWS's Birds of Conservation Concern (BCC) List occupy these habitats within the LSFO.

Native plant communities along the ROW are comprised primarily of sagebrush stands and mixed mountain shrubs (serviceberry and snowberry). In some areas, vegetation may consist primarily of grass due to previous disturbances. A variety of migratory birds may utilize these vegetation communities during the nesting period (May through July) or during spring and fall migrations. The project area contains potential nesting and/or foraging habitat for the following USFWS 2008 Birds of Conservation Concern: golden eagle, Brewer's sparrow, sage sparrow, sage thrasher and loggerhead shrike. Habitat quality in the area is likely reduced due to the proximity of the county road.

Environmental Consequences, Proposed Action: The Proposed Action would disturb 0.50 acres of migratory bird habitat. This disturbance would be minimal on a landscape level and would not be likely to increase habitat fragmentation due to the proximity of existing disturbances (county road). The project is scheduled to occur in the late summer or fall and therefore would not impact migratory bird nesting activities. Overall, the project is not expected to have a measurable influence on the abundance or distribution of migratory birds at a regional scale.

Mitigative Measures: None

Environmental Consequences, No Action: Under the No Action alternative, because no disturbance or loss of vegetation is anticipated, there would be no effects to migratory birds under this alternative.

## **NATIVE AMERICAN RELIGIOUS CONCERNS**

Letters were sent to the Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Utes Tribal Council, Shoshoni Tribal Historic Preservation Officer, and the Colorado Commission of Indian Affairs in the spring of 2011 discussing upcoming projects the BLM would be working on in FY10 and FY11. Letters were followed up with phone calls. No comments were received (Letters on file at the Little Snake Field Office, Craig, Colorado).

## PALEONTOLOGY

Affected Environment: Two geologic surface formations are found in the proposed area. In Sections 4 and 33, the geologic formation at the surface is the Tertiary age Browns Park Formation (Tbp). This formation has been classified a Class Ia formation for the potential for occurrence of scientifically significant fossils. In Sections 21 and 23, the geologic formation at the surface is the Cretaceous age Lewis Shale Formation (Kls). This unit has been classified a Class II formation for the potential for occurrence of scientifically significant fossils. Scientifically significant fossils are occasionally found within this formation (Armstrong & Wolney, 1989). The potential for discovery of significant fossils on this location is considered to be moderate.

Environmental Consequences, Proposed Action: Scientifically significant fossils are found abundantly within this formation (Armstrong & Wolney, 1989). The potential for discovery of significant fossils within this formation is considered to be high; however, potential for discovery of fossils through a surface survey on this location is considered low because of the specific facies of the Browns Park Formation. Potential for buried fossils is considered moderate to low. If any such fossils are located here, construction activities could damage the fossils and the information that could have been gained from them would be lost. The significance of this impact would depend upon the significance of the fossil. The proposed action could also constitute a beneficial impact to Paleontological resources by increasing the chances for discovery of scientifically significant fossils.

Mitigative Measures: Ceasing operations and notifying the Field Office Manager immediately upon discovery of a fossil during construction activities will effectively mitigate the potential impact to Paleontological resources. An assessment of the significance is made and a plan to retrieve the fossil or the information from the fossil is developed.

Environmental Consequences, No Action: Under the No Action alternative, because no ground disturbance, there would be no effects to paleontological resources.

## References

Armstrong, Harley J. and Wolney, David G., 1989, Paleontological Resources of Northwest Colorado: A Regional Analysis, Museum of Western Colorado, Grand Junction, CO, prepared for Bur. Land Management, Vol. I of V.

Miller, A.E., 1977, Geology of Moffat County, Colorado, Colo. Geol. Surv. Map Series 3, 1:126,720.

## REALTY AUTHORIZATIONS

Affected Environment: The proposed route follows the previously disturbed county road right-of-way corridor which contains other buried and surface realty authorizations.



Environmental Consequences, Proposed Action: Existing buried or surface facilities could be accidentally damaged during project activities. Impacts would be temporary until any damage is repaired.

Mitigative Measures: Potential damage to existing rights-of-way would be minimized by the following actions:

- Avoid existing rights-of-way during the project.
- Utilize the “One Call” system to locate and stake the centerline and limits of all underground facilities in the area prior to project initiation.
- Provide 48-hour notice to the owner/operator of all facilities prior to performing any work near existing rights-of-way.

Environmental Consequences, No Action: Under the No Action alternative, because no ground disturbance would occur, there would be no need for a realty authorization.

## **T&E AND SENSITIVE ANIMALS**

Affected Environment: There are no ESA listed or proposed species that inhabit or derive important benefit from the project area. The general area provides habitat for greater sage-grouse, a BLM sensitive species and a candidate for ESA listing. Greater sage-grouse utilize sagebrush ecosystems in the Slater Creek area for breeding, nesting and brood-rearing.

Habitat for two additional BLM sensitive species: Columbian sharp-tailed grouse and Brewer's sparrow, occurs in the general area. Sagebrush stands and mixed mountain shrublands provide habitat for Columbian sharp-tailed grouse. Sharp-tailed grouse utilize the Slater Creek area year round. Brewer's sparrows are a summer resident in Colorado and nest in sagebrush stands. Nests are constructed in sagebrush and other shrubs in denser patches of shrubs. This species would likely be nesting in the project area from mid-May through mid-July.

Environmental Consequences, Proposed Action:

### *Greater Sage-grouse and Columbian Sharp-tailed Grouse*

The ROW would have minimal impacts to both grouse species. Since construction is scheduled for late summer or fall, breeding and nesting activities would not be impacted. Noise during construction may disturb any grouse utilizing habitat in the general area. This disturbance would be short in duration and grouse would likely return to the area once construction is complete. Since the ROW would follow the existing road, only minor disturbances to habitat would be expected.

### *Brewer's Sparrow*

Impacts to Brewer's sparrows are described in the Migratory Bird section of this EA.

Mitigative Measures: None

Environmental Consequences, No Action: Under the No Action alternative, because no disturbance or loss of vegetation is anticipated, there would be no effects.

## **WASTES, HAZARDOUS OR SOLID**

Affected Environment: The Resource Conservation and Recovery Act (RCRA) of 1976 established a comprehensive program for managing hazardous wastes from the time they are produced until their disposal. U.S. Environmental Protection Agency (EPA) regulations define solid wastes as any “discarded materials” subject to a number of exclusions. The Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980 regulates mitigation of the release of hazardous substances (spillage, leaking, dumping, accumulation, etc.) or threat of a release of hazardous substances into the environment. Civil and criminal penalties may be imposed if the hazardous waste is not managed in a safe manner and according to regulations. The Colorado Department of Public Health & Environment (CDPHE) administers hazardous waste regulations for oil and gas activities in Colorado.

Environmental Consequences, Proposed Action: The fiber optic cable would fall under environmental regulations that impact disposal practices and impose responsibility and liability for protection of human health and the environment from harmful waste management practices or discharges. The direct impact would be if a solid waste or hazardous material is discarded and contaminates land surface either by solid, semi-solid, liquid, or contained gaseous material. Hazardous, civil, and criminal penalties may be imposed if the waste is not managed in a safe manner, and according to EPA regulations.

Mitigative Measures: The fiber optic cable would be regulated under the Resource Conservation and Recovery Act (RCRA) Subtitle C regulations, which are extremely stringent, as well as the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that provides for the definition of hazardous substance, pollutant, and contaminant. The mitigation would include the stringent regulation of waste containment within the project area.

Environmental Consequences, No Action: Under the No Action alternative, because no construction activities would be authorized there would be no effects.

## **WATER QUALITY - SURFACE**

Affected Environment: The proposed project area runs adjacent to Slater Creek, a perennial tributary to the Little Snake River. As of 2010, Slater Creek (including tributaries from its source to Second Creek) is on the Colorado Department of Public Health and Environment’s (CDPHE) Monitoring and Evaluation List for a suspected water quality problem regarding *E. coli* and total recoverable iron. Water quality in Slater Creek must support Aquatic Life Cold 1, Recreation P, and Agricultural uses.

Environmental Consequences, Proposed Action: The proposed project area is within or immediately adjacent to existing gravel-based roads and associated right of ways along Slater Creek. Potential impacts to surface water quality include sediment movement from the disturbed area towards the stream channel during storm events or spring runoff. The project as described involves minimal surface disturbance on public lands (1 acre) and includes plans for reclamation of disturbed areas where necessary and recontouring of the right of way to a pre-disturbance state. Vegetative communities on public lands between the road and Slater Creek are vigorous and provide additional barrier to sediment movement. The project is expected to have no further impact to existing *E. coli* and iron water quality issues.

Mitigative Measures: None

Environmental Consequences, No Action: Under the No Action alternative, because no or construction activities would be authorized there would be no effects.

Reference: Colorado Department of Public Health and Environment Water Quality Control Commission. 2010. Regulations #33, 37, and 93. <http://www.cdphe.state.co.us/regulations/wqccregs/index.html>

## **WILDLIFE, TERRESTRIAL**

Affected Environment: Native plant communities along the ROW are comprised primarily of sagebrush stands and mixed mountain shrubs (serviceberry and snowberry). In some areas, vegetation may consist primarily of grass due to previous disturbances. These plant communities provide habitat for a variety of big game, small mammals, birds and reptiles. The proposed project area provides year round habitat for mule deer, elk and pronghorn antelope.

Environmental Consequences: The ROW would have minimal impacts to wildlife and their habitat. Noise during construction may disturb wildlife utilizing habitat in the general area. This disturbance would be short in duration and any displaced wildlife would likely return to the area once construction is complete. Since the ROW would follow the existing road, only minor disturbances to habitat would be expected.

Mitigative Measures: None

Environmental Consequences, No Action: Under the No Action alternative, because no or construction activities would be authorized there would be no effects.

**CUMULATIVE IMPACTS SUMMARY:** Cumulative impacts assess the proposed Slater Creek Fiber Optic Cable ROW project in relation to past, present, and reasonably foreseeable future actions that could affect the same resources as the project. The intent the proposed action is to allow for upgrading of existing telecommunications facilities to provide additional services to Dubois Telephone Exchange (DTE) subscribers utilizing US Department of Agriculture (USDA) Rural Development Utilities Program (RDUP) funds. In this northern portion of Moffat County, residents have limited or no access to modern telecommunications services.

The landscape surrounding the project area has historically been dominated by ranching, livestock operations, rights of way, and some minor housing development in and around the town of Slater, Colorado. Oil and gas wells in the area are considered exploratory. Cumulative impacts associated with land use activities have been surface disturbance, removal of vegetation, dust and noise related with truck traffic, and impacts to wildlife.

Future activities contributing to cumulative impacts will likely be oil and gas exploration or agriculturally based. Although the project would have minor cumulative impacts on most resources, the relatively small scale of the project makes the cumulative impacts negligible in comparison to the other past, present, and reasonably foreseeable impacts that would occur within the project area.

### **STANDARDS:**

**PLANT AND ANIMAL COMMUNITY (animal) STANDARD:** The general project area provides habitat for a variety of wildlife species. The Proposed Action would have minimal impacts to wildlife species and their habitats and would not preclude this standard from being met.

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD:** The general project area provides habitat for greater sage-grouse, Columbian sharp-tailed grouse and Brewer's sparrow. The Proposed Action would have minimal impacts to these three species and would not preclude this standard from being met.

**PLANT AND ANIMAL COMMUNITY (plant) STANDARD:** The proposed project area is in an already disturbed area. Adjacent plant communities are currently meeting this standard and would continue to meet it under the proposed action.

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant) STANDARD:** There are no federally listed threatened or endangered or BLM sensitive plant species within or in the vicinity of the proposed right-of-way. This standard does not apply.

**RIPARIAN SYSTEMS STANDARD:** There are no riparian resources identified within the immediate project area that would be impacted by the proposed action.

**WATER QUALITY STANDARD:** Surface waters adjacent to the proposed project area currently do meet the public health standard for water quality, however there are some suspected issues concerning *E. coli* and iron. The project as proposed is not expected to further contribute to these issues. Several project design features, including reclamation and recontouring strategies, as well as a vigorous vegetative cover along the roadside would prevent the potential for sediment movement into nearby perennial waters.

**UPLAND SOILS STANDARD:** The proposed project area is in an already disturbed area where few to no native soil communities exist. Adjacent soil communities are currently meeting this standard and would continue to meet it under the proposed action.

**PERSONS/AGENCIES CONSULTED:** Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office.

**SIGNATURE OF PREPARER:** /s/ Barbara Sterling

**DATE SIGNED:** 07/26/11

**SIGNATURE OF ENVIRONMENTAL REVIEWER:** /s/ Shawna Wiser

**DATE SIGNED:** 07/26/11

**Attachments:** Exhibit A, Stipulations; Exhibit B1 & B2, Maps

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**  
**DOI-BLM-CO-N010-2011-0021-EA**

Based on the analysis of potential environmental impacts contained in the EA and all other available information, I have determined that the proposal and the alternatives analyzed do not constitute a major Federal action that would adversely impact the quality of the human environment. This determination is based on the following factors:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects are limited to the Little Snake Resource Area and adjacent land.
2. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.
3. There would be no adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplain, areas with unique characteristics, ecologically critical areas or designated Areas of Critical Environmental Concern.
4. There are no highly controversial effects on the environment.
5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other actions that may be implemented in the future to meet the goals and objectives of adopted Federal, State or local natural resource related plans, policies or programs.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.
8. Based on previous and ongoing cultural surveys and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice Policy.
9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. If, at a future time, there could be the potential for adverse impacts, treatments would be modified or mitigated not to have an adverse effect or new analysis would be conducted.

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**  
**DOI-BLM-CO-N010-2011-0021-EA**

10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the Slater Creek Fiber Optic Cable EA, # DOI-BLM-CO-N010-2011-0021-EA.

I have also reviewed the project record for this analysis and the impacts of the proposed action and alternatives as disclosed in the Alternatives and Environmental Impacts sections of the EA. Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. Because there would not be any significant impact, an environmental impact statement is not required.

**SIGNATURE OF AUTHORIZED OFFICIAL:**                     /s/ Wendy Reynolds                      
Field Manager

**DATE SIGNED: 07/26/11**

## **Decision Record**

DOI-BLM-CO-N010-2011-0021-EA

**DECISION AND RATIONALE:** I have determined that construction of the Slater Creek Fiber Optic Line is in conformance with the approved land use plan. It is my decision to issue the right-of-way grant with the mitigation measures to Dubois Telephone Exchange. The grant is for construction, operation, maintenance, and termination of a buried fiber optic cable located on public land in Lot 6, sec. 4; Lot 1, sec. 23; T 11 N, R 89 W; Lot 6, sec. 21; Lot 7, sec. 33; T 12 N, R 89 W; 6<sup>th</sup> PM in Moffat County, Colorado. The ROW is 2,200 feet long and 10 feet wide. The ROW grant is issued for 30 years with the right of renewal. The ROW is subject to rental pursuant to 43 CFR 2803.1-2. The project will be monitored as stated in the Compliance Plan outlined below.

It is the policy of the Bureau of Land Management to grant ROW to occupy and use public land where such is consistent with resource values, the BLM's planning system, and local government concerns. To this effect, no conflicts were found; the action does not result in any undue or unnecessary environmental degradation. The action is consistent with the Little Snake Resource Management Plan. The proposed use, as planned and mitigated, is a suitable use of the land, which will not conflict with the present or known future use of the area. The action is consistent with Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185) or Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and the regulations authorizing use of federal land under 43 CFR 2800.

**MITIGATION MEASURES:** See Exhibit A, Stipulations.

### **COMPLIANCE PLAN(S):**

**Compliance Schedule:** Compliance will be conducted during the construction phase and reclamation phase to insure that all terms and conditions specified in the right-of-way grant and stipulations are followed. The Slater Creek Fiber Optic Cable will be on a five-year compliance schedule after completion of the project.

**Monitoring Plan:** The Slater Creek Fiber Optic Cable location will be monitored during the term of the right-of-way for compliance with the grant, stipulations, POD, and pertinent regulations until final abandonment is approved; monitoring will help determine the effectiveness of mitigation and document the need for additional mitigative measures.

**Assignment of Responsibility:** Responsibility for implementation of the compliance schedule and monitoring plan will be assigned to the Realty staff in the Little Snake Field Office. The primary inspector will be the Realty Specialist.



**Decision Record**  
DOI-BLM-CO-N010-2011-0021-EA

**Protest/Appeal Language:** This decision shall take effect immediately upon issuance of a Grant Issued decision signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay. (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10) Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at 455 Emerson Street, Craig, Colorado 81625. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Rocky Mountain Regional Solicitor, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215, not later than 15 days after filing the document with the authorized officer and/or IBLA.

/s/ Wendy Reynolds

July 26, 2011

---

Field Manager  
Little Snake Field Office

---

Date

**Attachments: Exhibit A, Stipulations;  
Exhibit B1 & B2, Applicant submitted maps**

Exhibit A  
Stipulations  
Slater Creek Fiber Optic Cable

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within the permit in strict conformity with the plan(s) of development identified with the application. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete permit, including all stipulations and approved plan(s) of development, shall be made available on the permit area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
2. The Little Snake Field Office will be given 48-hour notification prior to commencing construction and/or reclamation work. Contact the Little Snake Field Office (970) 826-5000 to report when work will commence.
3. Any cultural and/or paleontological (fossil) resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and the authorized officer will make any decision as to proper mitigation measures after consulting with the holder.
4. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:
  - Whether the materials appear eligible for the National Register of Historic Places;
  - The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
  - Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

5. If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.
6. Subleasing of space/equipment on the fiber optic cable to additional providers is allowed without further approval from the BLM. These additional providers will not be required to obtain a separate grant. No additional rent will be assessed to the holder for the additional sublease owner(s) or telecommunication provider(s) within the project. The holder is liable and responsible for compliance with all terms/conditions of the grant, including compliance with the terms/conditions by any additional user.
7. The holder shall notify BLM of any change in the ownership status of the fiber optic project or the subleasing to additional telecommunication providers.
8. The holder must amend the grant at any time additional land, equipment, and/or new uses are proposed which are beyond the scope of the existing authorization.
9. The grant does not relieve you of your responsibility to obtain other required federal, state, or local permits.
10. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
15. The holder of Right-of-Way No. COC074710 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C 9601, et.seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901, et. seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

16. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
17. No hazardous materials/waste or trash shall be disposed of on the public lands. If a release does occur, it shall be reported to the Little Snake Field Office immediately (970) 826-5000. Any spills will be cleaned up to applicable standards.
18. All maintenance activities will be contained within the 10-foot easement, vehicular access for reclamation, maintenance and emergencies is authorized, but the easement will not be used as a road after construction is completed.
19. Control of noxious weeds will be required through successful vegetation establishment and/or herbicide application. It is the responsibility of the lease operator to insure compliance with all local, state, and federal laws and regulations, as well as labeling directions specific to the use of any given herbicide.
20. A Pesticide Use Proposal (PUP) will be approved prior to application of herbicides and/or other pesticides on Federal surface; contact the Little Snake Field Office to obtain a PUP form to request this authorization. Submit the PUP two (2) months in advance of planned application. In the event you elect to apply herbicide or other pesticide as described and authorized on the approved PUP, you must report this use within 24 hours on Bureau of Land Management form titled Pesticide Application Record.
21. The holder shall seed all disturbed areas with Indian ricegrass, thickspike wheatgrass, and Sandberg bluegrass, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained after the second growing season.
22. The holder is required to use the reclamation practices necessary to reclaim all disturbed areas. Reclamation will ensure surface and subsurface stability, growth of self-generating, permanent, vegetative cover and compatibility with post land use. The vegetation will be diverse and of the same seasonal growth as adjoining vegetation. Post land use will be determined by the authorized officer but normally will be the same as adjoining uses.

Reclamation practices which must be applied or accomplished are: re-grading to the approximate original contour, effectively controlling noxious weeds, separating, storing and protecting topsoil for redistribution during final abandonment, seeding and controlling erosion. If topsoil is not present, or quantities are insufficient to achieve reclamation goals, a suitable plant growth media will be separated, stored and protected for later use. Reclamation will begin with the salvaging of topsoil and continue until the required standards are met. If use of the disturbed area is for a short time (less than one year), practices, which ensure stability, will be used as necessary during the project, and practices needed to achieve final abandonment will commence immediately upon completion of the approved activity use and be completed, with the exception of vegetative establishment, within one year.

If use of the area is for longer periods of time (greater than one year), interim reclamation is required on the unused areas. Interim reclamation of the unused areas will begin immediately upon completion of the permanent facility(s) and be completed, with exception of vegetative establishment, within one year. For both short and long term projects vegetative establishment will be monitored annually. If the desired vegetation is not established by the end of the second growing season, cultural practices necessary for establishment will be implemented prior to the beginning of the next growing season. Interim reclamation, unless otherwise approved, will require meeting the same standards as final abandonment with the exception of original contour, which may be only partially achievable.

Annual reports consisting of reclamation practices completed and the effectiveness of the reclamation will be provided to the Little Snake Field Office. The first report will be due in January following initiation of reclamation practices and annually thereafter until final abandonment is approved.

There are numerous reclamation practices and techniques that increase the success rate of reclamation and stabilization. With the exception of those stated above, it is the lessee's prerogative to use those (s)he chooses to accomplish the objective. However, it is recommended that state-of-the-art reclamation, stabilization, and management practices be used to achieve the desired objective in a timely and cost-effective manner.

The following definitions and measurements will be used to accomplish and determine if reclamation has been achieved:

Permanent vegetative cover will be accomplished if the basal cover of perennial species, adapted to the area, is at least ninety (90) percent of the basal cover of the undisturbed vegetation of adjoining land or the potential basal cover as defined in the Soil Conservation Service Range Site(s) for the area.

Diverse will be accomplished if at least two (2) perennial genera and three (3) perennial species, adapted to the area, make up the basal cover of the reclaimed area in precipitation zones thirteen (13) inches or less and three (3) perennial genera and four (4) perennial species in precipitation zones greater than thirteen (13) inches. One species will not make up more than fifty (50) percent of the perennial vegetation by basal cover.

Self-regenerating and adapted to the area will be evident if the plant community is in good vigor, there is evidence of successful reproduction, and the species are those commonly used and accepted in the area.

Surface stability will be accomplished if soil movement, as measured by deposits around obstacles, depths of truncated areas, and height of pedestalling, is not greater than three tenths (0.3) of an inch and if erosion channels (rills, gullies, etc.) are less than one (1) inch in depth and at intervals greater than ten (10) feet.

If this standard is not met by the end of the second growing season, two alternatives exist depending on the severity of the erosion:

If erosion were greater than two (2) times the allowable amount, corrective action would have to be taken by the responsible company at that time.

If erosion is less than or equal to two (2) times the allowable amount, and it is determined the erosion occurred during vegetative establishment and the site may become stable, no corrective action would be required at that time. Another check (and measurement) would be performed a year later to determine if stability standards had been met. If the original measurements have not increased by more than the allowed standard, the standard would be considered met. However, if the increase were greater than the allowed standard, corrective action would be required.

Subsurface stability (mass wasting event) is of concern if disturbance has included excavation over four (4) feet in depth and greater than 10,000 square feet in area on slopes thirty five (35) percent and greater, or on any erosion-prone slope (Danforth Hills, Vermillion Bluffs, and badland areas). When these conditions occur, length of liability for reclamation and final abandonment will continue for ten (10) years following re-contouring to original contour or for such time that climatic patterns provide two (2) consecutive years in which measurable precipitation totals at least 120 percent of average from October 1 through September 30, as measured by data averaged from nearby regional weather stations.

The Authorized Officer may waive this stipulation, or portions of it. Such waiver will be documented and justified when not applicable, or when objectives are accomplished through another method.

23. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pretermination conference. This conference will be held to review the termination provisions of the permit.



EXHIBIT B1 - 07/26/11  
COC074710

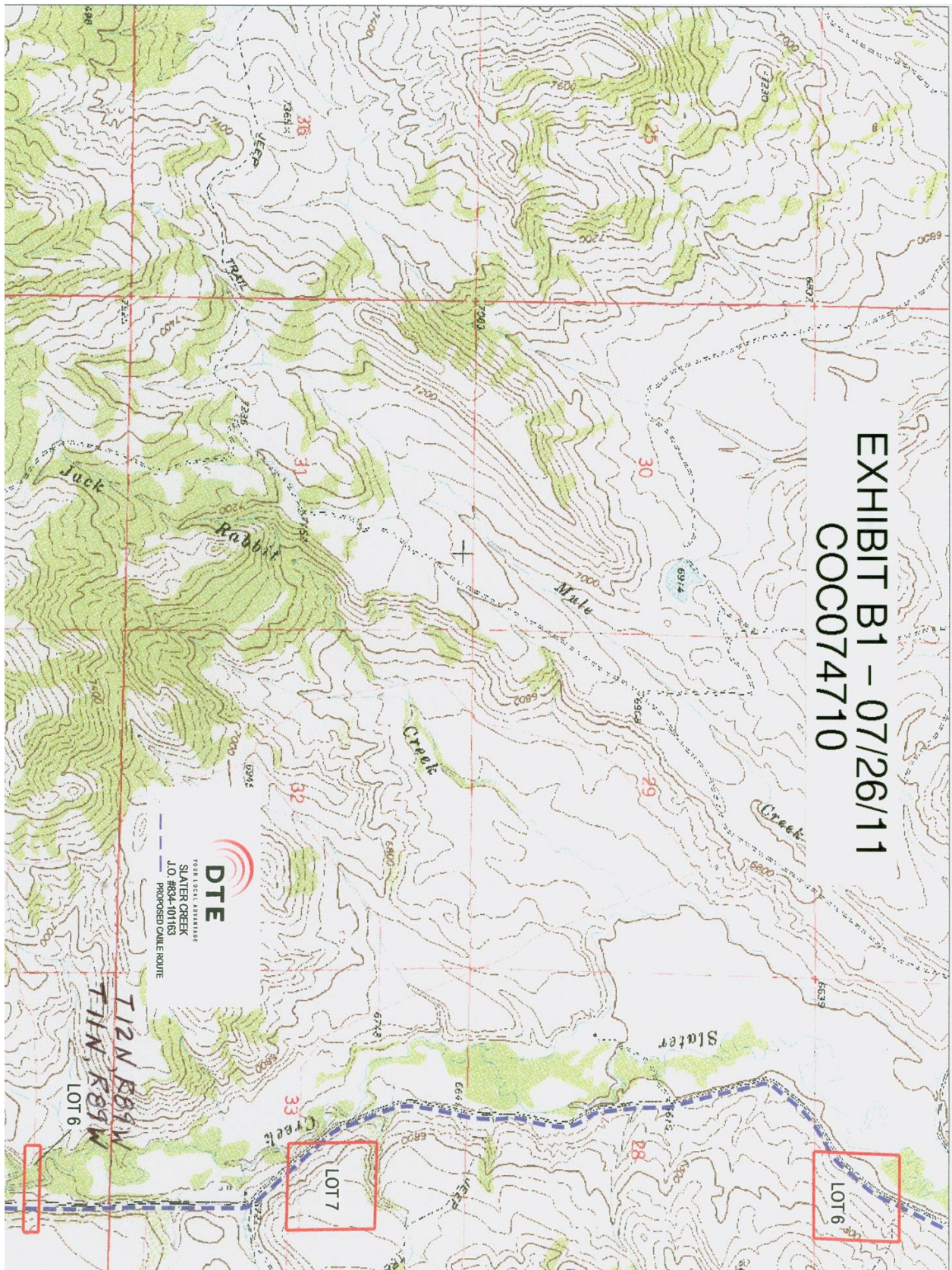






EXHIBIT B2 - 07/26/11  
COC074710